



DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Norman H. Bangertter

Governor

Dee C. Hansen

Executive Director

Robert L. Morgan

State Engineer

1636 West North Temple, Suite 220

Salt Lake City, Utah 84116-3156

801-538-7240

July 7, 1989

Don Montgomery  
5625 North 2950 East  
Eden, UT 84310

Dear Mr. Montgomery:

RE: ORDER on the Pine Tree Ditch

You received an ORDER dated June 15, 1988, to install operating headgates and measuring devices on the Southwick Montgomery Ditch by **March 1, 1989**. The river commissioner has informed me that you have not complied with the ORDER and he is unable to regulate the water into your ditch.

You are hereby ORDERED to install operating headgates and measuring devices on your ditch within thirty (30) days from the date of this notice. If you fail to do so, the river commissioner will be directed to shut off the flow of all water into the Southwick Montgomery Ditch until such devices are installed or necessary legal action through the Utah Attorney General's office will be imposed to enforce this ORDER.

This ORDER commences an adjudicative proceeding to be conducted informally according to Rules R625-6 of the Division of Water Rights. This ORDER is also subject to the provisions of Rule R625-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, as amended, which provide for the filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this ORDER. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this ORDER, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Should you have questions, please contact Lee Sim of the Distribution Section or Jim Riley, Area Engineer.

Sincerely,

Robert L. Morgan, P.E.  
State Engineer

RIM/JER/11

cc: E. Blaine Johnson  
Fred Robins  
✓ Lee Sim  
Attorney General's Office